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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,025	03/28/2000	Atsushi Okuyama	1232-4621	5073

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EXAMINER

BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/537,025	Applicant(s) OKUYAMA ET AL.	
	Examiner Jeffery A Brier	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/15/04</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 6/15/2004 has been entered.

Response to Amendment

2. The amendment filed on 6/15/2004 has been entered.

Response to Arguments

3. Applicants arguments filed on 6/15/2004 do not address the new claims with regard to the prior art of record.

Claim Objections

4. Claim 30 is objected to because of the following informalities: at line 2 "the of image" should be changed to "of the image". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 28-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 28 claims in the last paragraph "wherein display of image of said first color upon said first mode is effected using said first color light beam and display of image of said first color upon said second mode is effected by adding said second color light beam into said first color light beam".

Claim 33 claims in the last three lines "the image of said first color is displayed by adding second color light different from said first color light into said first color light upon said second mode".

Figures 43-46 and 52-55 show in the second mode adding the red or green video signal to the blue video signal and page 35 line 16 to page 45 line 25 of the written description describes adding the red or green video signal to the blue video signal in order to add blue light to the red or green light.

Newly presented claims 28-32 claim in the second mode adding second color light beam into the first color light beam. The wherein clause of claim 28 does not claim how this is

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accomplished. This claim is much broader than that which is described in the originally filed specification.

Newly presented claims 33-34 claim in the second mode a drive signal generating means for generating a drive signal based on which the image of said first color is displayed by adding second color light into the first color light upon the second mode. Even though this is claimed as a function of a means, the claimed function is not the same that was described by applicants specification where as shown in figures 43, 45, 52, 54, and 55 the red or green video signal is mixed into the blue video signal channel to produce a modulated blue video signal which produces blue light that is modulated with an attenuated red or green video signal. This is not the same as adding a second color light beam into the first color light beam.

Thus, the originally filed specification did not convey that applicant had possession at the time of filing the newly claimed limitations found in claims 38-34 they are claiming more than that which was disclosed in the.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 27, 33 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27: At each of lines 4 and 6 this claim claims "at least one color upon said". It is not clear how a color is upon a mode.

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Claim 33: At line 9 this claim claims "first color light upon said first mode". It is not clear how a color is upon a mode. Dependent claim 34 does not correct this problem.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunzman et al., U.S. Patent No. 6,392,717. Kunzman describes a system that in the one mode displays an image by the use of a drive signal generating means before calibration different than after calibration. Refer to the abstract, column 2 lines 26-30, and column 9 line 49 to column 11 line 34. A detailed analysis of the claims follows.

Claim 26:

Kunzman teaches an image display apparatus (*See figure 3.*) comprising:

at least one display element for modulating a plurality of light beams of mutually different colors (*Spatial light modulator 28.*);

drive signal generating means for generating, on the basis of an image signal, a drive signal for driving said at least one display element (*Formatter 38.*); and

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color purity switching means for effecting switching between a first mode in which color purity of at least one color among from said different colors is displayed as a first purity (*Before calibration the formatter 38 will drive the spatial light modulator with uncalibrated image signals.*) and a second mode in which color purity of said at least one color is displayed as a second purity different from said first purity (*After calibration the color purity of the displayed image is improved by having formatter 38 drive the spatial light modulator with calibrated image signals.*),

wherein a method of generating said drive signal by said drive signal generating means upon said first mode is different (*The drive signals are generated differently after calibration than they were before calibration.*) from a method of generating said drive signal by said drive signal generating means upon said second mode.

Claim 27:

Kunzman teaches an apparatus according to Claim 26,

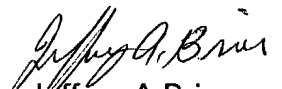
wherein said color purity switching means effects switching between said first mode (*The clear, red, green and blue filters move through the optical path r. Here the first mode will be considered to be a first of the color filters. The formatter 38 drives the spatial light modulator differently for each of the color filters.*) and said second mode (*Here the second mode will be considered to be a second of the color filters.*) such that said color purity switching means causes a filter to be

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inserted into an optical path of said at least one color upon said first mode (*The first color filter is inserted in the optical path in the first mode.*) and said color purity switching means causes said filter to be removed from said optical path of said at least one color upon said second mode (*During the second mode the first filter is removed and the second filter takes its place in the same optical path, however, this process does meet this claim limitation.*)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is 703-305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
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